

# **TAB A**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	Chapter 11
	)	
W.R. GRACE & CO., <u>et al.</u> , <sup>1</sup>	)	Case No. 01-01139 (KJC)
	)	
Debtors.	)	Jointly Administered
	)	

**NOTICE OF RULE 30(b)(6) DEPOSITION**

**PLEASE TAKE NOTICE**, that pursuant to Rules 26, 30(b)(5), 30(b)(6),

---

<sup>1</sup>The Debtors consist of the following 62 entities: W. R Grace & Co. (f/k/a Grace Specialty Chemicals, Inc.), W. R. Grace & Co.-Conn., A-I Bit & Tool Co., Inc., Alewife Boston Ltd., Alewife Land Corporation, Amicon, Ins., CB Biomedical, Inc. (f/k/a Circe Biomedical, Inc.), CCHP, Inc., Coalgracc, Inc., Coalgracc II, Ins., Creative Food 'N Fun Company, Darex Puerto Rico, Inc., Del Taco Restaurants, Inc., Dewey and Almy, LLC (f/k/a Dewey and Almy Company), Ecarg, Inc., Five Alewife Boston Ltd., G C Limited Partners I, Inc. (f/k/a Grace Cocoa Limited Partners I, Inc.), G C Management, Inc. (f/k/a Grace Cocoa Management, Inc.), GEC Management Corporation, GN Holdings, Inc., GPC Thomasville Corp, Gloucester New Communities Company, Inc., Grace A-B Inc., Grace A-B 11 Inc., Grace Chemical Company of Cuba, Grace Culinary Systems, Inc., Grace Drilling Company, Grace Energy Corporation, Grace Environmental, Inc., Grace Europe. Inc., Grace H-G Inc., Grace H-G II Inc., Grace Hotel Services Corporation, Grace International Holdings, Inc. (f/k/a Dearborn International Holdings, Inc.), Grace Offshore Company, Grace PAR Corporation, Grace Petroleum Libya Incorporated, Grace Tarpon Investors, Inc., Grace Ventures Corp., Grace Washington, Inc., W. R. Grace Capital Corporation, W. R. Grace Land Corporation, Gracoal, Inc., Gracoal II, Inc., Guanica-Caribe Land Development Corporation, Hanover Squarc Corporation, Homco International, Inc., Kootenai Development Company, L B Realty, Inc., Litigation Management, Inc. (f/k/a GHSC Holding, Inc., Grace JVH, Inc., Asbestos Management, Inc.), Monolith Enterprises, Incorporated, Monroe Street, Ins., MICA Holdings Corp. (f/k/a Nestor-BNA Holdings Corporation), MRA Intermedco, Inc. (f/k/a Nestor-BNA, Inc.), MRA Staffing Systems, Inc. (f/k/a British Nursing Association, Inc.), Remedium Group, Inc. (f/k/a Environmental Liability Management, Inc., E&C Liquidating Corp., Emerson & Curving, Inc.), Southern Oil, Resin & Fiberglass, Inc., Water Street Corporation, Axial Basin Ranch Company, CC Partners (f/k/a Cross Country Staffing), Hayden-Gulch West Coal Company, H-G Coal Company.

and 34 of the Federal Rules of Civil Procedure and Rules 9014, 7026, 7030(b)(5), 7030(b)(6), and 7034 of the Federal Rules of Bankr. Procedure, counsel for Anderson Memorial Hospital will take the deposition of W. R. Grace & Co., who shall designate one or more of persons to testify as to what is known or reasonably available to the organization regarding the following subject:

1. The debtors' knowledge of how many of the individualized Notice packages to over 200,000 potential claimants or their counsel, referred to in their December 2, 2005 response to Anderson Memorial Hospital's motion for class certification, owned buildings to which asbestos-containing materials allegedly manufactured, sold or distributed by W. R. Grace & Co or its licensees had been placed or were otherwise thought to be creditors holding potential property damage claims against the debtors.
2. The debtors' knowledge, if any, of what efforts the debtors have made to identify, list, catalog or otherwise find buildings in which asbestos-containing materials allegedly manufactured, sold or distributed by W. R. Grace & Co or its licensees.

**PLEASE TAKE FURTHER NOTICE** that pursuant to Rules 34, FRCP and 7034, F.R.Bankr.P., the deponent is requested to produce prior to the deposition the following documents:

1. All individualized Notice packages sent to potential claimants or their counsel who owned buildings to which asbestos-containing materials allegedly manufactured, sold or distributed by W. R. Grace & Co or its licensees had been placed or were otherwise thought to be creditors holding potential property damage claims against the debtors.

The deposition will take place on \_\_\_\_\_, 2015, at \_\_\_\_\_.m. at

\_\_\_\_\_, before a notary public or other officer duly authorized to administer oaths. The deposition shall continue on successive business days thereafter, as necessary, until completion.

### **INSTRUCTIONS AND DEFINITIONS**

A. Pursuant to Federal Rules of Civil Procedure 26 and 34 and Federal Rules of Bankr., 7026 and 7034, the debtors shall produce copies of all documents responsive to each of the requests below at \_\_\_\_\_, on or before \_\_\_\_\_, 2015.

B. The debtors are requested to produce all documents that are in its possession, custody, or control, within the meaning of Rule 34 of the Federal Rules of Civil Procedure.

C. Each document produced shall be identified by the request to which it corresponds, shall be produced as kept in the usual course of business.

D. If any document or portion of any document covered by these requests is withheld from production, please furnish a list identifying each such document or portion thereof, and providing the following information with respect to each such document or portion: (a) the date of the document; (b) the identity of each person who wrote, drafted, or assisted in the preparation of the document; (c) the identity of each person who received the original or a copy of the document,

regardless of whether or not the person is listed as a “cc” on the document; (d) a brief description of the nature and subject matter of the document; (e) the length of the document; (f) the reason(s) for withholding; (g) a statement of the facts that constitute the basis for any claim of privilege, work product, or other grounds for non-disclosure; and (h) the paragraph number corresponding to the request to which the document is responsive.

E. The “debtors” or “W. R. Grace & Co.” shall mean or refer to or any synonym thereof, whether singular or plural, is intended to and shall embrace and include all 62 entities listed in fn. 1 to this notice as may be applicable, present and former counsel for those entities, present and former agents, present and former servants, present and former employees, present and former directors, present and former officers, present and former representatives and all other who are in possession of or may have obtained information, developed information or acted or purportedly acted on behalf of W. R. Grace & Co., and shall include all present and former subsidiaries, divisions, affiliates, and predecessor entities of W. R. Grace & Co.

F. “Documents” shall mean or refer to all written or graphic matter of every kind or description, however produced or reproduced, whether draft or final, original or reproduction, and all tangible things within the scope of Rule 34(a) of

the Federal Rules of Civil Procedure, specifically including but not limited to paper records, electronic records, correspondence, memoranda, contracts, agreements, notes, e-mails, or material similar to the forgoing, however denominated, that is in the possession, custody, or control of the debtors.

G. “And” and “or” each shall be construed both conjunctively and disjunctively to bring within the scope of the request of all responses that might otherwise be construed to be outside its scope; in other words, to give each request its broadest possible meaning.

DATED: \_\_\_\_\_, 2015

\_\_\_\_\_  
Theodore J. Tacconelli (No. 2678)

Ferry, Joseph & Pearce, P.A.  
824 Market Street, Suite 1000  
PO Box 1351  
Wilmington, DE 19899  
Telephone: 302-575-1555  
Facsimile: 302-575-1714 fax  
Email: [ttacconelli@ferryjoseph.com](mailto:ttacconelli@ferryjoseph.com)

Daniel A. Speights (SC Fed. ID No. 4252)  
A. Gibson Solomons (SC Fed. ID No. 7769)  
SPEIGHTS & RUNYAN  
100 Oak Street East  
Post Office Box 685  
Hampton, SC 29924  
Telephone: (803) 943-4444  
Facsimile: (803) 943-4599  
Email: [dspeights@speightsrunyan.com](mailto:dspeights@speightsrunyan.com)

John W. Kozyak (FL Bar No. 200395)  
David L. Rosendorf (FL Bar No. 996823)  
KOZYAK TROPIN & THROCKMORTON  
2525 Ponce de Leon, 9th Floor  
Coral Gables, FL 33134  
Telephone: (305) 372-1800  
Facsimile: (305) 372-3508  
Email: [dlr@kttlaw.com](mailto:dlr@kttlaw.com)

*Counsel for Anderson Memorial Hospital*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	Chapter 11
	)	
W.R. GRACE & CO., <u>et al.</u> , <sup>1</sup>	)	Case No. 01-01139 (KJC)
	)	
Debtors.	)	Jointly Administered
	)	

**NOTICE OF RULE 30(b)(6) DEPOSITION**

**PLEASE TAKE NOTICE**, that pursuant to Rules 26, 30(b)(5), 30(b)(6),

---

<sup>1</sup>The Debtors consist of the following 62 entities: W. R Grace & Co. (f/k/a Grace Specialty Chemicals, Inc.), W. R. Grace & Co.-Conn., A-I Bit & Tool Co., Inc., Alewife Boston Ltd., Alewife Land Corporation, Amicon, Ins., CB Biomedical, Inc. (f/k/a Circe Biomedical, Inc.), CCHP, Inc., Coalgracc, Inc., Coalgracc II, Ins., Creative Food 'N Fun Company, Darex Puerto Rico, Inc., Del Taco Restaurants, Inc., Dewey and Almy, LLC (f/k/a Dewey and Almy Company), Ecarg, Inc., Five Alewife Boston Ltd., G C Limited Partners I, Inc. (f/k/a Grace Cocoa Limited Partners I, Inc.), G C Management, Inc. (f/k/a Grace Cocoa Management, Inc.), GEC Management Corporation, GN Holdings, Inc., GPC Thomasville Corp, Gloucester New Communities Company, Inc., Grace A-B Inc., Grace A-B 11 Inc., Grace Chemical Company of Cuba, Grace Culinary Systems, Inc., Grace Drilling Company, Grace Energy Corporation, Grace Environmental, Inc., Grace Europe. Inc., Grace H-G Inc., Grace H-G II Inc., Grace Hotel Services Corporation, Grace International Holdings, Inc. (f/k/a Dearborn International Holdings, Inc.), Grace Offshore Company, Grace PAR Corporation, Grace Petroleum Libya Incorporated, Grace Tarpon Investors, Inc., Grace Ventures Corp., Grace Washington, Inc., W. R. Grace Capital Corporation, W. R. Grace Land Corporation, Gracoal, Inc., Gracoal II, Inc., Guanica-Caribe Land Development Corporation, Hanover Squarc Corporation, Homco International, Inc., Kootenai Development Company, L B Realty, Inc., Litigation Management, Inc. (f/k/a GHSC Holding, Inc., Grace JVH, Inc., Asbestos Management, Inc.), Monolith Enterprises, Incorporated, Monroe Street, Ins., MICA Holdings Corp. (f/k/a Nestor-BNA Holdings Corporation), MRA Intermedco, Inc. (f/k/a Nestor-BNA, Inc.), MRA Staffing Systems, Inc. (f/k/a British Nursing Association, Inc.), Remedium Group, Inc. (f/k/a Environmental Liability Management, Inc., E&C Liquidating Corp., Emerson & Curving, Inc.), Southern Oil, Resin & Fiberglass, Inc., Water Street Corporation, Axial Basin Ranch Company, CC Partners (f/k/a Cross Country Staffing), Hayden-Gulch West Coal Company, H-G Coal Company.

and 34 of the Federal Rules of Civil Procedure and Rules 9014, 7026, 7030(b)(5), 7030(b)(6), and 7034 of the Federal Rules of Bankr. Procedure, counsel for Anderson Memorial Hospital will take the deposition of W. R. Grace & Co., who shall designate one or more of persons to testify as to what is known or reasonably available to the organization regarding the following subject:

1. The debtors' knowledge of the address, building, location or owners of buildings in which asbestos-containing materials manufactured by W. R. Grace & Co. or its licensees were allegedly installed or delivered.
2. The debtor' efforts to determine the address, building location, or owners of buildings in which asbestos-containing materials manufactured by W. R. Grace & Co. or its licensees were allegedly installed or delivered.

The deposition will take place on \_\_\_\_\_, 2015, at \_\_\_\_\_.m. at \_\_\_\_\_, before a notary public or other officer duly authorized to administer oaths. The deposition shall continue on successive business days thereafter, as necessary, until completion.

**PLEASE TAKE FURTHER NOTICE** that pursuant to Rules 34, FRCP and 7034, F.R.Bankr.P., the deponent is requested to produce prior to the deposition the following documents:

1. All documents prepared by the debtor or its counsel that list, compile, catalog or otherwise identify the identity by address, building, location or owner of buildings to which asbestos-containing materials manufactured by W. R. Grace & Co. or its licensees were allegedly

installed or delivered.

**INSTRUCTIONS AND DEFINITIONS**

A. Pursuant to Federal Rules of Civil Procedure 26 and 34 and Federal Rules of Bankr., 7026 and 7034, the debtors shall produce copies of all documents responsive to each of the requests below at \_\_\_\_\_, on or before \_\_\_\_\_, 2015.

B. The debtors are requested to produce all documents that are in its possession, custody, or control, within the meaning of Rule 34 of the Federal Rules of Civil Procedure.

C. Each document produced shall be identified by the request to which it corresponds, shall be produced as kept in the usual course of business.

D. If any document or portion of any document covered by these requests is withheld from production, please furnish a list identifying each such document or portion thereof, and providing the following information with respect to each such document or portion: (a) the date of the document; (b) the identity of each person who wrote, drafted, or assisted in the preparation of the document; (c) the identity of each person who received the original or a copy of the document, regardless of whether or not the person is listed as a “cc” on the document; (d) a brief description of the nature and subject matter of the document; (e) the length of

the document; (f) the reason(s) for withholding; (g) a statement of the facts that constitute the basis for any claim of privilege, work product, or other grounds for non-disclosure; and (h) the paragraph number corresponding to the request to which the document is responsive.

E. The “debtors” or “W. R. Grace & Co.” shall mean or refer to or any synonym thereof, whether singular or plural, is intended to and shall embrace and include all 62 entities listed in fn. 1 to this notice as may be applicable, present and former counsel for those entities, present and former agents, present and former servants, present and former employees, present and former directors, present and former officers, present and former representatives and all other who are in possession of or may have obtained information, developed information or acted or purportedly acted on behalf of W. R. Grace & Co., and shall include all present and former subsidiaries, divisions, affiliates, and predecessor entities of W. R. Grace & Co.

F. “Documents” shall mean or refer to all written or graphic matter of every kind or description, however produced or reproduced, whether draft or final, original or reproduction, and all tangible things within the scope of Rule 34(a) of the Federal Rules of Civil Procedure, specifically including but not limited to paper records, electronic records, correspondence, memoranda, contracts,

agreements, notes, e-mails, or material similar to the forgoing, however denominated, that is in the possession, custody, or control of the debtors.

G. “And” and “or” each shall be construed both conjunctively and disjunctively to bring within the scope of the request of all responses that might otherwise be construed to be outside its scope; in other words, to give each request its broadest possible meaning.

DATED: \_\_\_\_\_, 2015

\_\_\_\_\_  
Theodore J. Tacconelli (No. 2678)  
Ferry, Joseph & Pearce, P.A.  
824 Market Street, Suite 1000  
PO Box 1351  
Wilmington, DE 19899  
Telephone: 302-575-1555  
Facsimile: 302-575-1714 fax  
Email: [ttacconelli@ferryjoseph.com](mailto:ttacconelli@ferryjoseph.com)

Daniel A. Speights (SC Fed. ID No. 4252)  
A. Gibson Solomons (SC Fed. ID No. 7769)  
SPEIGHTS & RUNYAN  
100 Oak Street East  
Post Office Box 685  
Hampton, SC 29924  
Telephone: (803) 943-4444  
Facsimile: (803) 943-4599  
Email: [dspeights@speightsrunyan.com](mailto:dspeights@speightsrunyan.com)

John W. Kozyak (FL Bar No. 200395)  
David L. Rosendorf (FL Bar No. 996823)  
KOZYAK TROPIN & THROCKMORTON  
2525 Ponce de Leon, 9th Floor  
Coral Gables, FL 33134

Telephone: (305) 372-1800

Facsimile: (305) 372-3508

Email: [dlr@kttlw.com](mailto:dlr@kttlw.com)

*Counsel for Anderson Memorial Hospital*